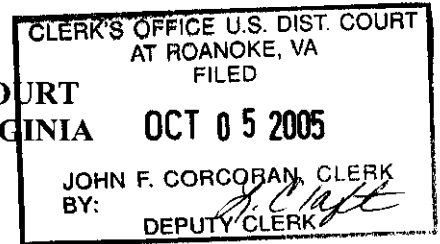


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



FRANKIE HILL,
Plaintiff,

v.

UNITED STATES OF AMERICA,
Defendant.

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Civil Action No. 7:05-cv-00597

MEMORANDUM OPINION AND ORDER

By: Hon. James C. Turk
Senior United States District Judge

Plaintiff Frankie Hill brings this suit as an action under the Federal Tort Claims Act (FTCA) against the Bureau of Prisons and numerous prison staff members. He alleges that the named officials have conspired to deny him adequate medical treatment for back pain, knee pain, and other ailments and have hindered him in his attempts to utilize the prison grievance procedures. Upon review of the complaint, the court finds that claims against all defendants except the United States must be dismissed.

The FTCA provides a cause of action for litigants who wish to sue the United States for actions or omissions by federal employees that would be tortious under the law of the place where they occurred. 28 U.S.C. § 1346(b). Negligent conduct and certain intentional torts are actionable under the FTCA if state law provides for a cause of action for such conduct. 28 U.S.C. § 2680(h). The FTCA, however, bars individual liability for the officials themselves or for the federal agencies for negligent or tortious conduct.¹ 28 U.S.C. § 2679(b). As the United States is the proper defendant this action brought under the FTCA, the court will dismiss all claims

¹The FTCA does not bar lawsuits against individual federal officials for violations of the plaintiff's constitutional rights or for violations of federal statutes that provide a private right of action under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). See 28 U.S.C. § 2679(b)(2). Hill expressly states that he brings his action under the FTCA.

against the individual officers and the BOP without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1).

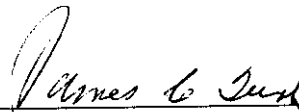
In accordance with the foregoing, it is hereby

ORDERED

that all claims except those against the United States shall be and hereby are **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1); the clerk shall change the style of the case so that it designates the United States of America as the only defendant; and the clerk shall terminate all claims against the following named defendants, who are no longer considered parties to the case: United States Federal Bureau of Prisons, Harley G. Lappin, Harrell Watts, Kim White, B.G. Compton, Jerry Jones, Strickland, David Roof, DeJesus, Myers, Stiger, J. Pham, C. L. Conrad, P. Harrell, Fuguta, Bishop, and W.L. Smithers. By separate order, the court will direct plaintiff to consent to payment of the filing fee from his inmate account so that his FTCA claims may go forward against the United States.

The Clerk is directed to send certified copies of this order to plaintiff and to the defendants.

ENTER: This 5th day of ~~September~~ ^{October}, 2005.



Senior United States District Judge